



Reprinted  
March 1, 2005

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## SENATE BILL No. 639

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DIGEST OF SB 639 (Updated February 28, 2005 8:45 pm - DI 110)

**Citations Affected:** IC 31-14; IC 31-16; noncode.

**Synopsis:** Interest on delinquent child support. Requires a court to order interest charges on all delinquent child support payments that are at least three percent greater than the interest rate on a final judgment on the date a child support order is issued. Provides that the interest charges apply to all delinquent child support as of July 1, 2005.

**Effective:** July 1, 2005.

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**Hume, Bray, Heinold**

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January 24, 2005, read first time and referred to Committee on Judiciary.  
February 24, 2005, amended, reported favorably — Do Pass.  
February 28, 2005, read second time, amended, ordered engrossed.

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SB 639—LS 7863/DI 110+



First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 639

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 31-14-12-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A court ~~may~~,  
3 **shall**, upon application by a person or an agency entitled to receive  
4 child support payments ordered by the court, order interest charges  
5 ~~equal to one and one-half percent (1.5%) per month that are at least~~  
6 **three percent (3%) above the interest rate for a final judgment (as**  
7 **defined in IC 34-54-8-5) on the date a child support order is issued**  
8 **to be paid on any delinquent child support payment that occurs.**  
9 **(b) The person or agency may apply for interest under this section:**  
10 **(1) at the time the support order is issued or modified; ~~or~~**  
11 **(2) whenever support payments are not made in accordance with**  
12 **the support order; or**  
13 **(3) at any time for a child support order that has been issued.**  
14 ~~(b)~~ **(c) Interest charges may be collected in the same manner as**  
15 **support payments.**  
16 SECTION 2. IC 31-16-12-2 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. **(a) The court ~~may~~,**

SB 639—LS 7863/DI 110+



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1 **shall, upon a request by the person or agency entitled to receive child**  
2 **support payments, order interest charges of not more than one and**  
3 **one-half percent ( $\pm 1\frac{1}{2}\%$ ) per month that are at least three percent**  
4 **(3%) above the interest rate for a final judgment (as defined in**  
5 **IC 34-54-8-5) on the date a child support order is issued to be paid**  
6 **on any delinquent child support payment that occurs.**

7 **(b)** The person or agency may apply for interest if support payments  
8 are not made in accordance with the support order. Accrued interest  
9 charges may be collected in the same manner as support payments  
10 under IC 31-16-9.

11 **SECTION 3. [EFFECTIVE JULY 1, 2005] (a) Interest charges**  
12 **under IC 31-14-12-1 and IC 31-16-12-2, both as amended by this**  
13 **act, begin accruing on all delinquent child support on July 1, 2005.**

14 **(b) This SECTION expires July 1, 2009.**

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## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 639, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 2, delete "(a) A court shall".

Page 1, delete lines 3 through 6.

Page 1, line 7, reset in roman "(a)".

Page 1, line 7, delete "(b)".

Page 1, line 7, strike "may," and insert "**shall**".

Page 1, run in lines 2 through 7.

Page 1, line 9, strike "equal to one and one-half percent (1.5%) per month" and insert "**that are at least the equivalent of the interest rate for a final judgment (as defined in IC 34-54-8-5) on the date a child support order is issued**".

Page 1, line 11, delete "(c)" and insert "**(b)**".

Page 1, line 12, after "modified;" strike "or".

Page 1, line 14, after "order" delete "." and insert "; **or**

**(3) at any time for a child support order that has been issued**".

Page 1, line 15, delete "(d)" and insert "**(c)**".

Page 2, line 1, delete "(a) A court shall".

Page 2, delete lines 2 through 5.

Page 2, line 6, delete "(b)" and insert "**(a)**".

Page 2, line 6, strike "may," and insert "**shall**".

Page 2, run in lines 1 through 6.

Page 2, line 7, strike "of not more".

Page 2, line 8, strike "than one and one-half percent (1 1/2%) per month" and insert "**that are at least the equivalent of the interest rate for a final judgment (as defined in IC 34-54-8-5) on the date a child support order is issued**".

Page 2, line 9, delete "." and insert "**that occurs**".

Page 2, line 10, delete "(c)" and insert "**(b)**".

Page 2, line 14, delete "(a) Interest charges".

Page 2, delete lines 15 through 26.

Page 2, line 27, delete "(c)" and insert "**(a)**".

Page 2, run in lines 14 through 27.

Page 2, line 29, delete "under subsection (a)".

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Page 2, line 30, delete "(d)" and insert "**(b)**".

and when so amended that said bill do pass.

(Reference is to SB 0639 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Madam President: I move that Senator Heinold be added as coauthor of Senate Bill 639.

HUME

SENATE MOTION

Madam President: I move that Senate Bill 639 be amended to read as follows:

Page 1, line 6, delete "the equivalent of" and insert " **at least three percent (3%) above**".

Page 2, line 3, delete "the equivalent" and insert "**at least three percent (3%) above**".

Page 2, line 4, delete "of".

(Reference is to SB 639 as printed February 25, 2005.)

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